

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-16 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 2, 10-13 and 15, and adding new claims 17-19. No new matter is added.

Additional Fees

Submitted herewith is a Petition for Extension of Time with fee and an Excess Claim Fee Payment Letter with fee.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on May 5, 2006.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference numeral 30.

The drawings are objected to under 37 CFR 1.83(a).

The drawings must show every feature of the invention specified in the claims. Therefore, the pump consisting of only four parts and the valve element being integral with the part forming the pump body and shutter must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Office Action at page 2.

Applicant is amending the claims and specification to overcome these objections.

Specification

The *abstract of the disclosure* is objected to because it includes the legal phraseology “said”. (Office Action at page 3.)

The *disclosure* is objected to because of the following informalities: no section headings are included. (Office Action at page 4.)

Applicant is amending the specification to overcome these objections.

Claim Objections

Claim 11 is objected to at page 4 of the Office Action because of the following informalities: line 2 recites ‘form’ and should recite ‘forms’.

Applicant is amending the claim to overcome this objection.

Claim Rejections - § 112

Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth at pages 4-5 of the Office Action.

Applicant is amending the claims to overcome this rejection.

Art Rejections

1. Claims 1, 3, 7-9 and 14-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fuchs (US 6,209,760).
2. Claims 1-3, 5-9, 14 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Corsette (US 4,640,443).
3. Claims 4, 10, 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Corsette in view of Crosnier et al. (US 7,014,069; Crosnier).

4. Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Corsette in view of Crosnier as applied to claim 11 above, and further in view of Mbonyumuhiire (US 7,182,226; Mbony).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. *Claims 1, 3, 7-9 And 14-16 In View Of Fuchs (US 6,209,760).*

In rejecting claims 1, 3, 7-9 and 14-16 in view of Fuchs (US 6,209,760), the grounds of rejection state:

Fuchs shows a pump comprising a pump body (30), a pump chamber (21), a piston (17) sliding in the pump chamber, a dispensing orifice (20), and a shutter (45) embodied in one piece with the pump body (Figure 1) forming an outlet valve at the dispensing orifice (col. 4, ll. 34-35), the shutter being moveable between an open and closed position of the dispensing orifice, wherein the pump has only one elastic element (31, 33, and 35, col. 3, line 41) to bring the piston back to its rest position and to drive the shutter to its closed position (col. 6, ll. 48-50).

Regarding claim 3, *Fuchs* shows the pump comprising a retaining ring (11).

Regarding claim 7, *Fuchs* shows the pump comprising a dispensing head (50) including the dispensing orifice.

Regarding claim 8, *Fuchs* shows the pump body placed inside the dispensing head (Figure 1).

Regarding claim 9, *Fuchs* shows the dispensing head connected onto the retaining ring and stops (61 and 77) defining the rest position of the pump.

Regarding claims 15 and 16, *Fuchs* shows the pump of claim 1 snap-fitted (col. 6, ll. 9-10) to a tank (29) and a gasket (75) interposed in between

Office Action at page 6.

Claim 1, recites:

Pump for dispensing fluid products comprising a pump body (10), a pump chamber (20), at least one piston (72) sliding in said pump chamber (20) to dispense the fluid product, a dispensing orifice (45), and a shutter (38) interacting with said dispensing orifice (45), said shutter (38) being movable and/or deformable between a closed position of the dispensing orifice (45) and an open position of the dispensing orifice (45), said shutter (38) being elastically driven to its closed position, wherein the pump comprises only one elastic element (50) adapted for bringing said at least one piston (72) back to its rest position after actuation and for driving said shutter (38) to its closed position, and in that said pump body (10) is embodied in one piece with said shutter (38).

Applicant submits that Fuchs does not disclose that the body (30) is embodied in one piece with the valve element (shutter) (45), as recited in claim 1. According to FIG. 1, body (30) and the valve element (45) are in two pieces.

Furthermore, the Examiner states that the claimed pump body corresponds to body 30 of Fuchs, that the claimed piston corresponds to plunger (17) of Fuchs, which slides in pump chamber (21) of Fuchs. However, according to FIGS. 1 and 2 of Fuchs the pump chamber(21) is not formed in the pump body (30).

On the other hand, according to claim 1, the pump chamber (20) is formed inside the pump body (10), with the piston (72) sliding inside the pump body/pump chamber. Thus, Fuchs fails to disclose this feature of claim 1. for example, according to claim 1, the piston (72) slides inside the element (i.e., the pump body) which forms the shutter (38). Again, the plunger (17) of Fuchs does not meet this requirement.

Thus, Fuchs fails to disclose each and every feature of claim 1. Applicant submits that claim 1 is patentable for at least this reason.

Applicant submits that the remaining claims are patentable at least by virtue of their dependency on claim 1.

2. *Claims 1-3, 5-9, 14 And 15 In View Of Corsette (US 4,640,443).*

In rejecting claims 1-3, 5-9, 14 and 15 in view of Corsette (US 4,640,443), the grounds of rejection state:

Corsette shows a pump comprising a pump body (portion of 36 that is not 31), a pump chamber (27), a piston (24) sliding in the pump chamber, a dispensing orifice (42), and a shutter (49) embodied in one piece with the pump body (Figure 1) forming an outlet valve at the dispensing orifice, the shutter being moveable between an open and closed position of the dispensing orifice (col. 5, ll. 3-26), wherein the pump has only one elastic element (28) to bring the piston back to its rest position and to drive the shutter to its closed position (col. 3, ll. 49-53).

Regarding claim 2, *Corsette* shows the spring is away from all contact with the fluid product (Figure 1).

Regarding claim 3, *Corsette* shows the pump comprising a retaining ring (12).

Regarding claim 5, *Corsette* shows the retaining ring embodied in one piece with an inlet valve seat (22) of the pump chamber (Figure 1).

Regarding claim 6, *Corsette* shows the piston embodied in one piece with the retaining ring (Figure 1).

Regarding claim 7, *Corsette* shows the pump comprising a dispensing head (31) including the dispensing orifice.

Regarding claim 8, *Corsette* shows the pump body placed inside the dispensing head (Figure 1).

Regarding claim 9, *Corsette* shows the dispensing head connected onto the retaining ring and stops (38 and 41) defining the rest position of the pump.

Regarding claim 15, *Corsette* shows the pump of claim 1 anchored to a tank (container, col. 3, line 8).

Office Action at pages 6-7.

Thus, the Examiner asserts that the discharge passage 42 of Corsette corresponds to the claimed discharge orifice and that a discharge valve 49 corresponds to the claimed shutter.

However, element 49 a discharge valve forming the outlet valve of the pump chamber of Corsette, but not the shutter of the discharge orifice 43. As shown in FIG. 1 of Corsette, there is no shutter interacting with the discharge orifice 43. Thus, Corsette fails to disclose this feature.

Applicant submits that claim 1 is patentable for at least this reason.

Applicant submits that the remaining claims are patentable at least by virtue of their dependency on claim 1.

Claim Rejections - 35 U.S.C. § 103

1. Claims 4, 10, 11 And 13 Over Corsette In View Of Crosnier et al. (US 7,014,069; Crosnier).

In rejecting claims 4, 10, 11 and 13 over Corsette in view of Crosnier et al. (US 7,014,069; Crosnier), the grounds of rejection state:

Corsette shows all aspects of applicant's invention as set forth in claims 1 and 3, but does not disclose the plunger tube 19 embodied in one piece with the retaining ring. However, *Crosnier* shows a pump with a retaining ring (1) and plunger tube (3) embodied in one piece. It would have been obvious to one having ordinary skill in the art at the time of the invention, under the teachings of *Crosnier*, to have made the retaining ring 11 and plunger tube 19 of *Corsette* integral with one another in order to simplify the assembly process of the pump. The resulting combination would result in the pump of *Corsette* as modified by *Crosnier* having only four parts, including the part forming the dispensing head (31), the part forming the pump body and shutter (part of 36 that is not 31), the part forming the spring (38), and the part forming the piston, retaining ring, and plunger tube (11 with newly integrated plunger tube 19).

Regarding claims 11 and 13, *Corsette* as modified by *Crosnier* shows the retaining ring embodied in one piece with an inlet valve seat (22) of the pump chamber (Figure 1), which interacts with a valve element (21).

Office Action at pages 8-9.

However, Crosnier fails to make up the deficiencies of Corsette with respect to claim 1. Thus, Applicant submits that claims 4, 10, 11 and 13 are patentable at least by virtue of their respective dependencies.

2. Claim 12 Over Corsette In View Of Crosnier As Applied To Claim 11 Above, And Further In View Of Mbonyumuhire (US 7,182,226 B2; Mbony).

In rejecting claim 12 over Corsette in view of Crosnier as applied to claim 11 above, and further in view of Mbonyumuhire (US 7,182,226 B2; Mbony), the grounds of rejection state:

Corsette as modified by *Crosnier* shows all aspects of applicant's invention as set forth in claim 11, but does not disclose the inlet valve element being integral with the part forming the pump body and shutter. However, *Mbony* shows a pump which utilizes an inlet valve element (12) which is integral with the moving portion of the pump. It would have been obvious to one having ordinary skill in the art at the time of the invention, under the teachings of *Mbony*, to have replaced the ball valve 21 of *Corsette* as modified by *Crosnier* with a valve element like that of *Mbony* integral to the moving portion of the pump (in this case it would be the pump body) in order to reduce the number of working parts in the device.

Office Action at pages 9-10.

However, Mbony fails to make up the deficiencies of Corsette and Crosnier with respect to claim 1. Thus, Applicant submits that claim 12 is patentable at least by virtue of their respective dependencies.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 17-19.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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